

PFCC Decision Report

Please ensure all sections below are completed

Report reference number: 008-24

Classification (e.g. Not protectively marked/restricted): **Not protectively marked**

Title of report: Revised grant agreement including standardised data protection clauses for third party agreements

Area of county / stakeholders affected: Countywide

Report by: Darren Horsman

Chief Officer: Darren Horsman

Date of report: 05/1/2024

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1. Executive Summary

This decision report seeks agreement for a revised standard grant agreement following a legal review. It includes the addition of a variation protocol and a series of standardised data protection clauses which would be used in this grant agreement and other third-party agreements as appropriate.

2. Recommendations

The PFCC agrees the revised standard grant agreement including the variation protocol and standard data protection clauses.

3. Background to the Proposal

Our current standard grant agreement does not include provision for the reallocation of funding within a project. As we have provided more complex grants as part of our Safer Streets work, the need has arisen to revisit this and consider introducing a clear agreed protocol for variations.

At the moment, once a project is agreed via the decision report process the component activity cannot be reallocated without a further decision report. Where this involves small sums of money and / or tactical changes with new activity clearly still achieving the overall project goal, it would be practical to set out a process to agree these changes.

While we are developing this additional element of the grant agreement, we are taking the opportunity to undertake a more general review of the grant agreement.

Following our 2023 GDPR Audit it was recommended that we developed a series of standard data protection clauses for use in all our third-party agreements. Given the use of these standard clauses within the standard grant agreement it was agreed that this work should be undertaken together with the general review and the inclusion of a protocol to allow the reallocation of funding within a project.

Now that these reviews have been undertaken this decision report seeks agreement for the revised grant agreement.

4. Proposal and Associated Benefits

The review of the standard grant agreement will ensure that the PFCC has assurance that this is up-to-date and provides a solid contractual agreement. It will also provide the PFCC and their team with the ability to respond swiftly to opportunities to maximise funding within an agreed project by reallocating small sums of funding within those agreed projects. The protocol is set out within the grant agreement and is aligned to the current scheme of delegation within the PFCC Constitution.

The use of a set of standard data protection clauses will ensure the PFCC has responded effectively to the GDPR audit recommendation and is also aligning with data protection best practice.

5. Options Analysis

The Commissioner could decide not to accept this revised grant agreement; however, this may result in a lack of flexibility in the management of our funded projects, lost opportunities to make a difference in our communities and deliver against our strategic plans. It may also result in weaker grant agreements and increased complexity in our data protection clauses within our third-party agreements.

6. Consultation and Engagement

This work has been discussed at the PFCC's Management Team Meeting and with our external legal advisers. The development of standardised Data Protection Clauses has also been discussed with our internal auditors.

7. Strategic Links

This decision will help underpin our grant giving arrangements which are a key element of delivering against our police and crime plan and fire and rescue plan. The data protection element also contributes to a strong data protection framework which

supports our work with partners. This is a fundamental aspect of our work to achieve our strategic priorities.

8. Police operational implications

This decision does not have any specific operational implications for either the police or fire and rescue service.

9. Financial implications

The decision does not have any financial implications. However the Commissioner did agree through decision report 156-23 to allocated £3,000 for an external legal review of this grant agreement.

10. Legal implications

This agreement has been reviewed undertaken by our legal advisors and once agreed the grant agreement will form the legal contract for provision of grants in return for specified activities.

11. Staffing implications

This decision will support the work of our commissioning and grant giving teams and our data protection officer.

12. Equality, Diversity and Inclusion implications

While there are no specific equality, diversity, and inclusion implications the PFCC does monitor and evaluate their grant giving activities to ensure they support the PFCC's EDI strategy and obligations under the Equality Act 2010.

13. Risks and Mitigations

This activity will help to provide increased flexibility to manage any unforeseen risks within a project which would endanger delivery against agreed objective.

The development of the standardised data protection clauses will also help provide consistency in terms of our agreement, reducing the risk that a poorly worded or inconsistent agreement is agreed with a third party.

14. Governance Boards

The review of the grant agreement has been discussed at the PFCC's Management Team Meeting while the development of standardised data protection clauses was discussed at the PFCC's Senior Management Team meeting on the 10th of October 2023.

15. Links to Future Plans

There are no future plans associated with this decision.

16. Background Papers and Appendices

If 'YES', please provide details of required redaction:

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Date redaction carried out:

Chief Finance Officer/Chief Executive Sign Off – for Redactions only

If redaction is required, the Chief Finance Officer or Chief Executive is to sign off that redaction has been completed.

Sign:

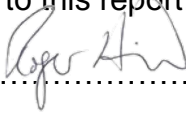
Print:

Chief Executive / Chief Finance Officer

Date signed:

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC/Deputy PFCC

Date signed: 21/02/2024

I do not agree the recommendations to this report because:

.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed: